

# Notice of Allowability

Application No.

10/645,615

Examiner

Glenn Richman

Applicant(s)

SATO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/04.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 22 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/22/03, 1/5/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Glenn Richman  
Primary Examiner  
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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the abstract delete lines 15-34.

The following is an examiner's statement of reasons for allowance: Stubbs et al disclose an exercise monitoring system and method.

Mault discloses monitoring caloric expenditure resulting from body activity.

Richardson et al disclose a portable aerobic fitness monitor.

The prior art however, fails to show or suggest, as detailed in claims 1 and 20, "A system for estimating of walking, comprising: body burden capacity acquiring means, means for acquiring an exercise stress level at the time of walking, and means for estimating biological data at the time of walking, wherein: biological data at the time the body burden capacity acquiring means acquires relationship between biological data and an exercise stress level prior to walking, the means for acquiring an exercise stress level at the time of walking acquires an exercise stress level at the time of walking, and the means for estimating biological data at the time of walking estimates biological data at the time of walking in correspondence to the exercise stress level acquired by the means for acquiring an exercise stress level at the time of walking based on the relationship acquired by the body burden capacity acquiring means" and "walking pitch

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generator comprising: body burden capacity acquiring means, assumed biological data acquiring means, assumed exercise stress level estimating means, body weight inputting means, walking speed computing means, body height inputting means, and walking pitch computing means, wherein: the body burden capacity acquiring means acquires a relationship between biological data and an exercise stress level prior to walking, the assumed biological data acquiring means acquires assumed biological data which represents biological data assumed to be desirably obtained at the time of walking, prior to walking, the assumed exercise stress level estimating means estimates an assumed exercise stress level representing an exercise stress level assumed to be obtained at the time of walking in correspondence to the assumed biological data acquired by the assumed biological data acquiring means based on the relationship acquired by the body burden capacity acquiring means, the body weight inputting means takes in a body weight, the walking speed computing means computes a walking speed based on the body weight inputted by the body weight inputting means and the assumed exercise stress level estimated by the assumed exercise stress level estimating means, the body height inputting means takes in a body height, and the walking pitch computing means computes a walking pitch based on the body height inputted by the body height inputting means and the walking speed computed by the walking speed computing means.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 703 308-3170. The examiner can normally be reached on Mon-Thurs.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Richman  
Primary Examiner  
Art Unit 3764